

17920. Misbranding of Hydroleine. U. S. v. 23 Bottles of Hydroleine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25797. I. S. No. 20178. S. No. 4025.)

Examination of a sample of a drug product, known as Hydroleine, from the herein-described shipment having shown that the circular contained claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 bottles of Hydroleine, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Century National Chemical Co., Paterson, N. J., on or about January 3, 1931, and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cod-liver oil (41.0 per cent), salicylic acid, alcohol, pancreatin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the label, were false and fraudulent, since said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Cod Liver Oil has long been held in high esteem by the medical profession for the treatment of Scrofulosis, * * * Incipient Consumption, Bronchitis, Chronic Rheumatism and all chronic diseases in which there exists a broken down or depraved nutrition and an enfeebled organism. For all conditions in which the use of a palatable, easily digested form of Cod Liver Oil is indicated, Hydroleine may be administered with advantage as a substitute for the plain oil or the ordinary emulsions."

On March 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17921. Misbranding of Ducro's alimentary elixir. U. S. v. 31 Bottles of Ducro's Alimentary Elixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25661. I. S. No. 5737. S. No. 3916.)

Examination of a sample of a drug product, known as Ducro's alimentary elixir, from the herein-described shipment having shown that the labeling bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 13, 1931, the United States attorney for the District of Porto Rico filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 bottles of Ducro's alimentary elixir, alleging that the article had been shipped by E. Fougere & Co. (Inc.), New York, N. Y., on or about February 21, 1930, to San Juan, P. R., and was being sold and offered for sale in Porto Rico, by J. M. Blanco (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of meat extract, sugar, alcohol (21.0 per cent), and water, colored with caramel.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper and bottle label) "Alimentary Elixir [similar statement in French];" (circular) "Is intended as an aid in the quick rebuilding of bodily strength; in the creation of red blood * * * restore vigor and vitality * * * Anemia—When the blood is impoverished, * * * aid in the enrichment of the blood * * * Indigestion * * * Nervousness—When the nervous system is debilitated a restorative tonic is indicated and so Ducro's Elixir should be taken to help the nerves recover their tone and steadiness. Debility—In the general bodily weakness that results from exhausting diseases Ducro's Elixir may be beneficial in the restoration of strength. Fainting

Spells—Many persons of frail constitution; particularly women, are subject to fainting spells. In this condition it is necessary to revitalize the body and make it strong enough to resist the weakness that overcomes it, and Ducro's Elixir is helpful for this purpose." (Similar statements in French.)

On February 5, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17922. Adulteration and misbranding of fluid extract of ginger. U. S. v. 5 Barrels of Fluid Extract of Ginger. Default decree of forfeiture and destruction. (F. & D. No. 24899. I. S. Nos. 14811 to 14815, incl., 035270 to 035274, incl. S. No. 3212.)

The fluid extract of ginger from the herein-described shipments was found to be below the standard prescribed by the United States Pharmacopoeia.

On or about June 17, 1930, the United States attorney for the Western District of Missouri filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five barrels of fluid extract of ginger, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Interstate Drug Co., from Harlem Transfer, N. Y., one barrel having been shipped on each of the dates of January 31, February 13, February 15, February 17, and February 20, 1930, and had been transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract of Ginger."

Analyses of samples of the article by this department showed that it contained material other than that derived from ginger root.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Fluid Extract of Ginger."

Misbranding was alleged for the reason that the statements appearing on the labeling of the article were false and misleading.

On January 14, 1931, the intervenor, the Wabash Railway Co., having withdrawn its claim, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17923. Misbranding of Jarabe Fenico and Jarabe Hipofosfito de Cal. U. S. v. 48 Bottles of Jarabe Fenico, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25773, 25774. I. S. Nos. 5728, 5729. S. No. 3820.)

Examination of samples of the herein-described drug products having shown that the labels bore claims of curative and therapeutic properties which the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 bottles of Jarabe Fenico and 48 bottles of Jarabe Hipofosfito de Cal at Aguadilla, P. R., alleging that the articles were in possession of the Caribou Laboratories, Aguadilla, P. R., and were being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Jarabe Fenico consisted essentially of phenol, glycerin, sugar, and water; and the Jarabe Hipofosfito de Cal consisted essentially of calcium hypophosphite, sugar, and water.

It was alleged in the libel that the articles were misbranded in that certain statements appearing on the labeling in Spanish, of which the following is a translation, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Jarabe Fenico, carton) "Indicated in Cases of Asthma, Catarrh, Grippe, Whooping Cough, Bronchitis and other affections of the Throat, Lungs and Bronchi;" (Jarabe Fenico, bottle label) "Used in cases of Grippe, Cough and in General for all Affections of the Respiratory Tract;" (Jarabe Hipofosfito de Cal, bottle label) "Reconstituent, used with success in Remineralizing the organisms and specially in cases of Rickets, Nervous Debility and Broncho-Pulmonary Affections."